

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0322

PLAINS GRAINS LIMITED PARTNERSHIP, a
Montana limited partnership, et al.,

Plaintiffs and Appellants,

v.

BOARD OF COUNTY COMMISSIONERS OF
CASCADE COUNTY, the governing body of the
County of Cascade, acting by and through Peggy S.
Beltrone, Lance Olson and Joe Briggs,

Defendants and Appellees,

SOUTHERN MONTANA ELECTRIC
GENERATION and TRANSMISSION
COOPERATIVE, INC.; the ESTATE OF
DUANE L. URQUHART; MARY URQUHART,
SCOTT URQUHART, and LINDA URQUHART,

Intervenors, Appellees, and Cross-Appellants.

FILED

OCT 27 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

O R D E R

On October 7, 2009, we classified this case for oral argument before the Court on Wednesday, November 18, 2009, at 9:00 a.m. The August 25, 2009, motion of Southern Montana Electric Generation and Transmission Cooperative, Inc., and the Urquharts to dismiss the appeal on grounds of mootness remains pending before the Court. We note that the Plaintiffs have incorporated their response to that motion in their reply brief and response to the cross-appeal.

As a matter of clarification,

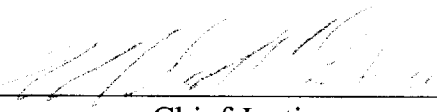
IT IS ORDERED that our decision on the motion to dismiss this appeal on grounds of mootness shall be deferred until following oral argument, and will be incorporated into our Opinion on this case.

The Clerk is directed to provide copies of this Order to all counsel of record.

DATED this 2 day of October, 2009.

For the Court,

By



Chief Justice